

UNITED STATES DISTRICT COURT
for the
District of South Carolina

In the Matter of the Seizure of)	
(Briefly describe the property to be seized))	
Funds in Bank of America account 139101718450)	Case No. 8:23-cr-831-KFM
in the name Kay Shockley LLC or in escrow related)	
to account closure)	

**APPLICATION FOR A WARRANT
TO SEIZE PROPERTY SUBJECT TO FORFEITURE**

I, a federal law enforcement officer or attorney for the government, request a seizure warrant and state under penalty of perjury that I have reason to believe that the following property in the _____ District of _____ South Carolina is subject to forfeiture to the United States of America under _____ 18 U.S.C. § 981, 982 (describe the property):

c

Any and all funds up to \$466,594.60 held within Bank of America account 139101718450 in the name Kay Shockley LLC or in escrow related to account closure. Those funds are to include actual active account funds or in escrow / indemnification fund funded by the suspect account upon account closure.

The application is based on these facts:
See attached affidavit.

☒ Continued on the attached sheet.

Joseph Lea
Applicant's signature

USSS Special Agent Joseph Lea
Printed name and title

by telephone
Sworn to before me and signed in my presence.

Date: *9/25/23 11:20 a.m.*

City and state: Greenville, SC 29601

[Signature]
Judge's signature

US Magistrate Kevin F. McDonald
Printed name and title

1 AFFIDAVIT

2 I, JOSEPH J. LEA, being duly sworn, declare and state as
3 follows:

4 I. INTRODUCTION

5 1. I am a Special Agent ("SA") with United States Secret
6 Service ("USSS"), and have been so employed since August 2009. I am
7 currently assigned to the Greenville Residence Office and primarily
8 investigate financial crimes to include wire fraud, identity theft,
9 credit card fraud, bank fraud and money laundering. Prior to
10 becoming an SA with USSS, I was employed as police officer and
11 detective since 2004, where I conducted numerous investigations of
12 fraud schemes. I have received both formal and informal training
13 from USSS and other institutions regarding cyber- and financial-
14 related investigations, digital currencies, and computer forensics.

15 II. PURPOSE OF AFFIDAVIT

16 2. This affidavit is made in support of an application for a
17 warrant to seize the following (the "Subject Funds"):

18 a. All funds up to \$466,594.60 held within Bank of
19 America account 139101718450 in the name Kay Shockley LLC or in
20 escrow related to account closure. Those funds are to include actual
21 active account funds or in escrow / indemnification fund, funded by
22 the suspect account upon account closure. The current estimated value
23 of the account is \$466,594.60 USD.

24 3. As described more fully below, there is probable cause to
25 believe that the Subject Funds represent the proceeds of one of more
26 violations of 18 U.S.C. §§ 1343 (Wire Fraud), 1956 (Money
27 Laundering), 1957 (Monetary Transactions in Criminally Derived
28 Property), or a conspiracy to commit the same, (the "Subject

1 Offenses"), committed by Jeannie Kay Shockley and other unknown co-
2 conspirators (the "Subjects"), and are therefore subject to seizure
3 pursuant to 18 U.S.C. § 981(b) and forfeiture pursuant to 18 U.S.C. §
4 981(a)(1)(A) & (C).

5 4. In addition, there is probable cause to believe that the
6 Subject Funds are subject to seizure and forfeiture to the United
7 States pursuant to 18 U.S.C. § 982 and 21 U.S.C. § 853(f) because the
8 property would, in the event of conviction on the alleged underlying
9 offenses, be subject to forfeiture, and an order under section 21
10 U.S.C. § 853(e) would not be sufficient to assure the availability of
11 the property for forfeiture.

12 5. The facts set forth in this affidavit are based upon my
13 personal observations, my training and experience, and information
14 obtained from various law enforcement personnel and witnesses. This
15 affidavit is intended to show merely that there is sufficient
16 probable cause for the requested warrants and does not purport to set
17 forth all of my knowledge of, or investigation into, this matter.

18 6. Unless specifically indicated otherwise, all conversations
19 and statements described in this affidavit are related in substance
20 and in part only, and all dates and amounts are approximations.

21 **III. SUMMARY OF PROBABLE CAUSE**

22 7. USSS, and local law enforcement agencies are investigating
23 a Business Email Compromise (BEC) scheme. In brief summary,
24 investigating agents have determined that an unknown person or
25 persons became aware of a financial transaction in which funds were
26 to be wired between two participants. This is often done through an
27 infiltration of an email system of one of the parties after the wire
28 details are finalized between the parties. The suspects send an

1 email from within the email system or from a similar email account
2 with altered wiring instructions. This is often done by simply
3 sending the email with the same letterhead but different receiving
4 account number. When this is done, it is often not noticed until the
5 accounts have been subsequently drained and forwarded on to another
6 party.

7 **IV. STATEMENT OF PROBABLE CAUSE**

8 8. Based on witness interviews, documents obtained from third
9 parties, reports of interviews conducted by other law enforcement
10 officers, conversations with other law enforcement officers, and
11 publicly filed documents, I know the following:

12 **A. Victim J.A. Loses Funds in the BEC**

13 9. Based on conversations, emails and reports, I learned the
14 following:

15 a. On or about August 28, 2023, J.A., a resident of
16 Pickens, S.C. was in the process of purchasing a home. He received
17 what he believed to be legitimate wiring instructions for the final
18 payment of \$466,594.60. It came from an email account which resembled
19 the law firm that was handling the escrow funds.
20 The email also contained the appropriate signature line which
21 resembled the firm handling the transaction. The victim traveled to
22 his local Wells Fargo Bank and sent the wire as instructed. The funds
23 were to be directed to the business of Kay Shockley LLC at the Bank
24 of America account 139101718450. After sending the funds, the
25 purported escrow firm stated that they did not receive the wire, and
26 requested the funds be sent to an international account with a
27 different financial institution. After speaking with the true
28

1 intended recipient, the victim J.A. realized that he might have been
2 scammed and called the local Pickens County Sheriff's Office.

3
4 **B. Subject Account**

5 10. The subject account with Bank of America had previously
6 been flagged by other financial institutions and the recipient
7 account of funds received through violations of 18 U.S.C. § 1343
8 (Wire Fraud). As such, the account was on restriction at the time the
9 funds were received from J.A. which allowed Bank of America to freeze
10 the account and prevent the funds from being withdrawn. Thus there is
11 probable cause to believe that the remaining funds in the account are
12 direct proceeds of the wire fraud against J.A.

13 11. On August 9, 2023, SA Lea reviewed transaction history in
14 the Subject Accounts:

15 12. Bank of America identified Jeannie Kay Shockley as the
16 sole account holder of account (139101718450) in the name of Kay
17 Shockley LLC. Over the last several months, this account has received
18 funds or attempted to receive funds from victim accounts through wire
19 fraud.
20

21 13. Bank of America decided to close the account and hold the
22 funds in an escrow account pending the return request determination
23 from the sending and receiving banks. To date, the victim's funds have
24 not been returned. Documents received from the victim's bank indicate
25 that the "victims fraud claim was denied" due to the victim initiating
26 the wire despite the wire being initiated based on false pretenses. A
27
28

1 seizure warrant is now required to ensure the funds will be returned
2 to the victim.

3 14. Based on my training and experience, records provided by
4 Bank of America, Wells Fargo, and local law enforcement, I believe
5 the subject account was used by Shockley (or an unidentified third
6 party) to receive proceeds from victims of wire fraud and to conceal
7 or disguise the nature, the location, the source, the ownership, or
8 the control of the proceeds obtained from the scam. Therefore, there
9 is probable cause that the Subject Account was used to facilitate the
10 commission of the Subject Offenses and contains proceeds of the
11 Subject Offenses rendering it subject to seizure and forfeiture.

12 V. CONCLUSION

13 15. Based on the facts set forth above, there is probable cause
14 to believe that the Subject Funds are subject to seizure pursuant to
15 18 U.S.C. § 981(b) and forfeiture pursuant to 18 U.S.C.
16 § 981(a)(1)(A) (rendering subject to forfeiture any property involved
17 in a violation of 18 U.S.C. §§ 1956/1957) and § 981(a)(1)(C)
18 (rendering subject to forfeiture any property that constitutes or is
19 derived from proceeds traceable to a violation of 18 U.S.C. §§ 1028,
20 1028A, 1343, 1344).

21 16. Based on my training and experience, I know that
22 restraining orders served on banks sometimes fail to preserve the
23 property for forfeiture because the bank representative receiving the
24 restraining order fails to put the necessary safeguards in place to
25 freeze the money in time to prevent the account holder from accessing
26 the funds electronically, or fails to notify the proper personnel as
27 to the existence of the order, or the bank exercises its own right of
28 setoff to satisfy an outstanding debt owed to the bank by the account

holder. In contrast, where electronic funds are concerned, a seizure warrant guarantees that the funds will be in the Government's custody once the warrant is served.

17. This affidavit has been reviewed by Assistant U.S. Attorney Carrie Fisher Sherard.

Joseph Lea

Attested to by the applicant in
accordance with the requirements of
Fed. R. Crim. P. 4.1

Joseph J. Lea
USSS I Special Agent

by telephone
Subscribed to and sworn this 25th
day of September 27, 2023.


THE HONORABLE KEVIN F. McDONALD
UNITED STATES MAGISTRATE JUDGE